

Appln No. 10/749,965

Amdt date May 31, 2005

Reply to Office action of March 29, 2005

**REMARKS/ARGUMENTS**

In the final Office action dated March 29, 2005, claims 2, 6, 7, 12, 16 and 17 were rejected under the judicially created doctrine of obviousness-type double patenting, claims 2 - 5, 8 - 15 and 18 - 20 were rejected under 35 U.S.C. § 102 and claims 6, 7, 16 and 17 were rejected under 35 U.S.C. § 103. Claims 2 - 20 remain in the application. Reconsideration of the rejections and reexamination of this application are hereby requested.

Applicant's Response to the Double Patenting Rejection

Claims 2, 6, 7, 12, 16 and 17 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 5, 14 and 18 of U.S. Patent No. 6,696,854. Concurrent with this Response, Applicant is filing a Terminal Disclaimer to overcome this rejection.

Application's Response to the 35 U.S.C. § 102 Rejection

Claims 2 - 5, 8 - 15 and 18 - 20 were rejected under 35 U.S.C. § 102 as being anticipated by Lytle et al., U.S. Patent No. 6,218,860 (hereafter referred to as "Lytle"). Claims 2 and 12 are independent.

In response to Applicant's prior arguments the Examiner states that the address busses of Lytle can be read as either read pointer signals or write pointer signals because the address bus 351 and 533 is an output signal of the write pointer 505 and read pointer 533. Applicant respectfully traverses this contention on the grounds that this interpretation ignores the "mutually exclusive" limitations of claims 2 and 12.

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Claim 2" recites, in part, "a write pointer circuit . . . configured to generate a plurality of mutually exclusive write pointer signals" and "a read pointer circuit . . . configured to generate a plurality of mutually exclusive read pointer signals."

Claim 12 recites, in part, "generating a plurality of mutually exclusive write pointer signals" and "generating a plurality of mutually exclusive read pointer signals."

These claims are directed toward a circuit or method where a given one of the pointer signals is active at a given time. This follows directly from the well known meaning of the term "mutually exclusive." Accordingly, the circuit and the method are constrained such that the generated signals are always mutually exclusive.

Lytle is silent as to the structure of the write address bus 531 and the read address bus 533. Accordingly, it must be assumed that Lytle refers to a conventional bus that uses all of the bus signals to generate an address each bus cycle. Such signals are not constrained to be or operated in a manner such that the signals are always mutually exclusive.

In view of the above, Applicant submits that claims 1 and 12 are not anticipated by Lytle. Claims 3 - 5, 8 - 11, 13 - 15 and 18 - 20 that depend on claim 2 or claim 12 also are patentable over Lytle for the reasons set forth above. In addition, these dependent claims are patentable over these references for the additional limitations that the dependent claims contain.

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Application's Response to the 35 U.S.C. § 103 Rejection

Claims 6, 7, 16 and 17 were rejected under 35 U.S.C. § 103 as being unpatentable over Lytle. These claims depend on independent claim 2 or independent claim 12.

This rejection is based on the section 102 rejection of the independent claims. In view of Applicant's arguments set forth above, Applicant submits that Lytle does not teach or suggest all of the limitations of claim 2 or claim 12 or any claims that depend on these claims. Accordingly, claims 6, 7, 16 and 17 are not obvious in view of Lytle.

**Conclusion**

In view of the above remarks it is submitted that the claims are patentably distinct over the above references and that all the rejections to the claims have been overcome. Reconsideration and reexamination of the above Application is requested.

Respectfully submitted,  
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SDB/sdb